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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,480	12/06/2001	Mark John McGrath	450110-03716	3228
20999	7590	04/06/2006	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			CHOWDHURY, NIGAR	
			ART UNIT	PAPER NUMBER
			2621	

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/006,480	Applicant(s) MCGRATH ET AL.	
	Examiner Nigar Chowdhury	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 9-12 are rejected under 35 U.S.C. 101 because claims are directed to a computer software program and storage medium storing computer software program.

Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. See, e.g., *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory) and merely claiming nonfunctional descriptive material stored in a computer-readable medium does not make it statutory. See MPEP 2106.IV.B.1.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7, 8 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No.6, 833, 865 by Fuller et al.

In claim 1, a camera-recorder apparatus comprising (Fig. 1, Col. 1 line 29-31):

- An image capture device operable to capture a plurality of video images (Col. 2 line 53-55)
- A storage medium by which video images are stored for later retrieval (Col. 2 line 1-3)
- A feature extraction unit operable to derive image property data from image content of at least one of video images substantially in real time at capture of video images, image property data being associated with respective images or groups of images (Col. 2 line 5-8)
- A data path by which camera-recorder apparatus is operable to transfer derived image property data to an external data processing apparatus (Col. 3 line 6-8, Col. 6 line 24-36).

Regarding claim 2, apparatus according to claim 1, in which

- Camera-recorder apparatus comprises means for capturing an audio signal associated with video images (Col. 5 line 24-26)
- Feature extraction unit is operable to derive audio property data for portions of audio signal associated with at least one of video images (Col. 2 line 1-3, 20-23).

According to claim 3, image property data is generated for every video image to the combination of claim 1 (In Col. 5 line 26, reference shows "content-based", which means for each image there is property data).

Regarding claim 4, apparatus according to claim 1, comprising a proxy generator operable to compress video images to produce a lower bit-rate copy of respective images (Col. 6 line 48-50).

In claim 5, apparatus according to claim 1 in which data path comprises a removable storage medium for storing image property data (Col. 7 line 1-10).

In claim 7, apparatus according to claim 1, in which image property data comprises at least one class of data selected from Col. 2 line 62-67, Col. 3 line 1-8):

- Color distribution data
- Face recognition data
- Image activity data.

Method claim 8 is rejected for the same reason as discussed in the corresponding apparatus claim 1 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,833,865 by Fuller et al in view of U.S. Patent No. 4,057,830 by Adcock.

Regarding claim 6, data path comprises a wireless network connection device and an antenna which are operable to provide a wireless link to external data processing apparatus. Fuller discloses a video recorder has an embedded real time content based analysis function in the capture device to extract metadata is formatted and stored separately from the content. This reference fails to disclose wireless network connection device and an antenna which are operable to provide a wireless link to external data processing apparatus.

Adcock discloses a RF converter which is connected to the detected signal and transmitted through an antenna to the television receiver (Fig. 14, Col. 10 line 11-19).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a wireless network connection device and an antenna to external data processing apparatus for viewer to view the image instantly from remote location which will be convenient for a person.

Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,833,865 by Fuller et al.

Regarding claims 9-12, computer software having program code and data providing medium for carrying out a method where medium can be transmission medium and storage medium. Fuller discloses a video recorder has an embedded real time content based analysis function in the capture device to extract metadata is formatted and stored separately from the content. This reference fails to disclose computer software having program code for carrying out a method and recording medium for storing the computer software.

It is noted that user microprocessor with ROM & RAM to control the camera and its associated device is well-known in the recording art. Therefore, official notice is taken.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to increase the accuracy of the control process because digital microprocessor known to be more accurate.

Conclusion

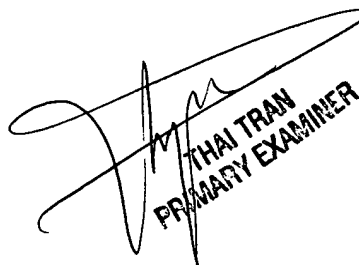
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nigar Chowdhury whose telephone number is 571-272-8890. The examiner can normally be reached on 9 AM - 5 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NIC
03/31/2006



THAI TRAN
PRIMARY EXAMINER